



**FEDERAL COMMUNICATIONS COMMISSION**  
Enforcement Bureau, Investigations and Hearings Division  
445 12<sup>th</sup> Street, S.W., Room 3-B443  
Washington, D.C. 20554

In Reply Refer to:  
EB-01-IH-0105/RBP  
ID# 51568

Ms. Cherie Degnan  
Ambler, Pennsylvania 19002

Dear Ms. Degnan:

This is in response to your complaint against television station WTXF, Philadelphia, Pennsylvania, for airing allegedly indecent material on January 23, 2001, at approximately 8:53 a.m. Specifically; you complain that full frontal male and female nudity was broadcast as part of a News Program.

Section 1464 of Title 18 of the United States Code, 18 U.S.C. §1464, prohibits the broadcast of obscene, indecent, or profane language. The Commission has defined indecency as material which, in context, depicts or describes sexual or excretory activities or organs in a patently offensive manner as measured by contemporary community standards for the broadcast medium. In determining whether broadcast material is patently offensive we look to, among other things, the explicitness or graphic nature of the description of sexual or excretory organs or activities and whether the material dwells at length on such organs or activities. Subject matter alone is not sufficient to find material indecent, nor is it sufficient that some, or even most, people would find the material offensive.

While we understand that you are offended by the programming you described, it does not appear that we have any basis for action at this time. First, it is important to note that any consideration of government action against allegedly indecent programming must take account of the fact that such speech is protected under the First Amendment. Because of this fact, the FCC generally requires complainants to provide a full or partial tape or transcript or significant excerpts of the program; the date and time of broadcast; and the call sign of the particular station involved. This information is necessary to provide sufficient context of the material broadcast so as to enable us to determine whether the material meets the definition of indecency. Because you did not provide sufficient context in terms of the material broadcast to enable us to determine whether the material meets the Commission's definition of indecency, we are dismissing your complaint at this time.

To assist you further, we include an information sheet which discusses the law with respect to obscene and

indecent broadcasts and our enforcement procedures. We appreciate your interest in this matter.

Sincerely,

Charles W. Kelley  
Chief, Investigations and Hearings Division  
Enforcement Bureau

Enclosure